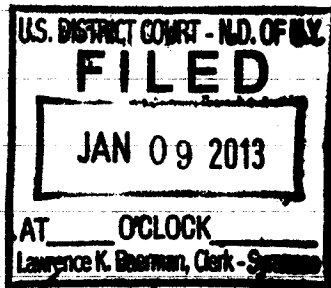


January 7, 2013

Kalief Stanley #B1A2643
P.O. Box 4000
Stormville, N.Y. 12582
Green Haven Corr. Fac.



Dear Sir/Madam,

I am writing in regards to a very serious matter. On December 15, 2006 I filed a pro se writ of Habeas Corpus with this Court 9:06-CV-1504.

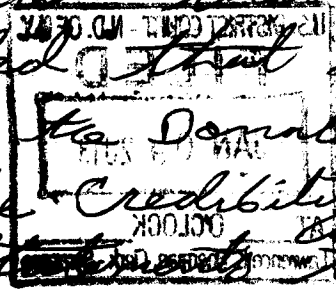
In my writ one of the points I raised was prosecutor failed to reveal promise of leniency of witness Donald Lewis.

This Court denied my writ saying that no such promise existed between Donald Lewis and the prosecution office, that there was no "Memorandum" or notation evincing any deal or promise made to Lewis in exchange for his testimony.

This Court said that I bear the burden of rebutting that presumption by "Clear and Convincing Evidence." 28 U.S.C. 2254(e)(1); *Leke v. Portuondo* 257 F.3d 89, 92 (2d Cir. 2001).

This Court said that deference will be given to factual findings by both state

Trial and Appellate Courts, Whitaker v. Meachum 123 F.3d 714, 715 n.1 (2nd Cir. 1997).

This Court stated that I submit nothing to rebut the presumption that the State Court correctly concluded that no promise of leniency was made to Donald Lewis, or otherwise question the credibility of the prosecutor and Lewis.  That no such promise existed.

Well I sent out a ~~Final~~ F.O.I.L. Request on July 2, 2012 to the Albany City Court and on December 24, 2012 I received legal mail from the Albany City Court and inside the envelope was one piece of paper DONALD LEWIS MEMORANDUM OF PLEA BARGAIN which clearly states the terms of his agreement with the prosecutor: "Testify for the people - lead to a Conviction" (See enclosed memorandum). This plea agreement is signed and dated by the prosecution office, Lewis, his Attorney Mr. George Mehm, and the Judge Mr. Herrick.

The prosecutor Peter J. Blanchfield committed fraud on the Court by saying no such deal existed and thus denied me my 6th Amendment Right to a fair and impartial trial, and my 14th Amendment right to due process for failing to turn over Brady material.

The prosecutor failed to correct the false testimony of Donald Lewis and admitted his false testimony of Lewis into evidence, knowing it to be false. Lewis was facing a pending drug charge, two warrants, and was a suspect in two shooting incidents one of them being the one El Stand convicted for. After he testified at my grand jury hearing he was "Released under supervision" the same day. There are no police reports (other than the one that he was the Number 1 suspect in this case) or statements of Donald Lewis prior to his testimony at my grand jury hearing. I always knew that Donald Lewis received a deal for his testimony because there was no other reason he would lie and said I confessed to him about this crime. Donald Lewis didn't tell this to the police and give any written statement why? The first testimony of Donald Lewis at my grand jury hearing (when he was already charged with the Criminal Sale of a Controlled Substance) where he stated that I told him, Linda Rodriguez and Rodney Codrington I committed this crime. Linda Rodriguez or Rodney Codrington was never called by the prosecution or my trial lawyer to corroborate Donald Lewis testimony of my confession. At trial

Donald Lewis testimony change to me only confessing to him. with out Lewis testimony the people only would have to rely on the testimony of Co-defendant Reggie Adams that I committed this crime. Adams tailored his testimony from the very beginning when he got arrested for a Criminal Sale of a Controlled substance. Adams gave Det. Anthony Ryan a sworn statement saying that I committed this crime and he didnt have anything to do with it. Adams did admit in his statement that he was wearing a Green Camouflage Jacket. This jacket is what got Adams charged with ~~the~~ me. Once Adams was charged he admitted at his plea allocation that I fired the gun and he was my look out. But its strange that victim Marken Ryan stated to Det Sean P. Keene that he turned and saw a black male Chubby (Gm only 5 feet 4 inches, 225 1/2 lbs) wearing a Camouflage jacket pointing a gun at him. Marken Ryan testified at my Grand jury to these same facts but was not called to my trial because his testimony would have showed that Reggie Adams was the one that shot the three victims. Instead the people consented to dismiss the counts against Marken Ryan

for failing to prove each and every element, Detective Anthony Ryan testified that Markem Ryan couldnt provide no identity of the shooter because his back was turned which is a lie. Because Markem Ryan provided a clear description of the shooter when he was interviewed by Detective Sean P. Keene, He stated that the person was a B/m, Chubby, Camouflage jacket. The jury wasnt made aware of none of this as well that Lewis was receiving a deal for his testimony against me. Only deal the jury was made aware of was the deal of Reggie Adams that he would receive 3 1/2 years for this case and his pending drug sale. None of the victims identified as the one being responsible for this crime because they knew who was responsible for it according to victim Markem Ryan testimony. These victims only testified (Nailor Blair, McShe Grier) as to the injuries they received.

I'm asking this court for any assistance on how to proceed with this matter. I look forward to your reply and thank you for your time and patience.

Respectfully
Kelief Hardy

Exhibits

Cover Letter

- Exhibit 1. Memorandum of Donald Lewis Plea Bargain
- Exhibit 2. Date & Envelope memorandum was mailed out from the City Court
- Exhibit 3. Testimony of Mr. Lewis stating that he didn't want to testify against Defendant
- Exhibit 4. Testimony of Mr. Lewis on when he got arrested and Released
- Exhibit 5. Testimony of Mr. Lewis on when he got arrested and Released also what he was Locked-up for.
- Exhibit 7. Defendant Lawyer inquires whether a deal was pending or made with Donald Lewis
- Exhibit 6. Mr. Lewis Testimony of not being promised anything for his testimony.
- Exhibit 8. The terms of Lewis Release, D.A. Blanchfield denies that Lewis was Released on Oct 6, 2000 Same day as Defendant Grand Jury, He also states that he had no knowledge of any deals
- Exhibit 8. D.A. Blanchfield States in Discussions with Tom Dulin if Mr. Lewis Testifies in this trial they will treat his Case as a misdemeanor.
- Exhibit 9. "The Bluff" which even shows that Lewis knew he was going to receive a deal.
- Exhibit 9. Trial Attorney shows that D.A. Blanchfield never Contacted the City Court.
- Exhibit 10. Trial Attorney Request to bring Mr. Lewis back

cut to testify - which was denied by trial judge outside the presence of the jury.

Exhibit 10. D.A. Blanchfield Admits that he never spoke to Lewis lawyer Mr. George mehm to find out about his deal.

Exhibit 10. Trial Judge 1st Ruling - Lewis Denied having any knowledge of any deals.

Exhibit 11. Trial Judge ^{2nd ruling} - That there is no "Memorandums" or Notations on Lewis Filed indicating any deal.

Exhibit 11 Trial Judge 3rd ruling - That Lewis was going to have his felony reduced to a misdemeanor because a Confidential informant isn't available. (This is not what Lewis memorandum of Plea Bargain say. Difficult to PROVE "would have been Checked instead of Interest of justice the Reasons below - Testified For the People - Lead to Conviction

Exhibit 11 - Trial Judge Further ruled that at the time of Defendant Grandjury Donald Lewis didn't have a drug case in existence so his Grandjury Testimony cannot be premised upon any deal or promise made to him in exchange for his testimony.

Exhibit 12-B Clearly Shows that Donald Lewis had a drug Charge at the time of Defendant Grandjury

Exhibit 14-15. Clearly Shows that Donald Lewis appeared at the Defendant Grandjury Hearing on Oct. 6, 2000 and according exhibit 4-5 Donald Lewis said he was released the same day.

The People of the State of New York,

.vs.

Donald Lewis

Defendant.

ORIGINAL CHARGES

REDUCED TO

A. 220.39(1)
B. _____
C. _____
D. _____
E. _____

220.03

☒ Defendant hereby waives right to appeal
☒ Defendant offers plea to charge (s): 220.03 in full satisfaction of all outstanding charges.

--- Defendant moves for adjournment in contemplation of dismissal --- CPL 170.55
--- CPL 170.56

The People consent to such disposition for the following reasons:

--- No prior record
--- Difficulty in proof
--- Interest in Justice that reasons below: Δ testified for the People - lead to a conviction

----- No promises made as to sentence
----- The following promise made as to sentence

220.03 + surcharge

The above constitutes the agreement among the People, the defendant and the court as to the disposition of the original charges(s) and the defendant by his signature hereto affirms that he consents thereto with the full appreciation of his rights and being fully aware of the terms of this agreement.

[Signature]
Assistant District Attorney

L.S.

Defendant

[Signature]
L.S.

Attorney for defendant

Approved

Hon. Stephen W. Herrick

Approved

Hon. John C. Egan Jr.

4/11/13
Dated: Albany, NY

EXHIBIT 1

Exhibit 2

STATE OF NEW YORK
CITY COURT OF ALBANY
MORTON AVENUE & BROAD STREET
ALBANY, NEW YORK 12202

Hasler

12/17/2012

US POSTAGE

FIRST-CLASS MAIL

\$00.45⁰



ZIP 12202
011D10634425

E4-183

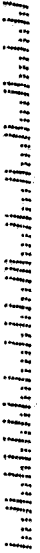
Green Haven Correctional Facility

PO Box 4000

Stormville, NY 12582-4000

Kalief Stanley DIN: 01A 2643

1258234000



(Lewis - For the People - Direct)

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THE COURT: Hold on a minute. Harold?

(There was a discussion off the record.)

THE COURT: Go ahead. Read the last two questions and answers back, please.

(The reporter read back the previous testimony.)

BY MR. BLANCHFIELD:

Q What does it mean to put in work?

A Huh?

Q What does it mean to put in work?

A Commit a crime.

Q And when he told you they should be laying down, what does that mean?

A (No response.)

Q When Kalief Stanley told you they should be laying down, what does that mean?

A Should be dead.

Q Do you want to be here today, Mr. Lewis?

A No.

Q Are you still a member of the Bloods?

A No.

Q Why did you get out?

A I got kids.

MR. BLANCHFIELD: I have nothing else,

RA 38

Exhibit 3

(Lewis - For the People - Cross)

385

1 A Yes.

2 Q Where were you, up in Albany County?

3 A Yes.

4 Q That was for a charge out of Albany Police
5 Court, wasn't it?

6 A Yes.

7 Q Wasn't that a charge of false personation?

8 A No.

9 Q Was that a charge of criminal trespass?

10 A No.

11 Q When did you get out of Albany County?

12 A October 6.

13 Q Of what, 2000?

14 A Yes.

15 Q When did you go into Albany County?

16 A September 14. September 15.

17 Q And while at the Albany County Jail you decided
18 you didn't want to be a member of the Bloods anymore?

19 A Yes.

20 Q How long have you known Reggie Adams?

21 A For a little while.

22 Q What?

23 A For a little while.

24 Q Well, what is a little while?

Exhibit 3

(Lewis - For the People - Cross)

389

1 Q Mr. Lewis, isn't it true that on May 23, 2000,
2 in Albany Police Court, you were sentenced to time served
3 on that Criminal Trespass Second?

4 A If that was the charge -- hold on. No. No.
5 No. I haven't got time served for anything.

6 Q Well, Mr. Lewis --

7 A I paid a fine for my criminal impersonation, or
8 whatever it was. I paid a fine for it. I didn't get time
9 served for anything. I never get time served. I always
10 have to do my time, all the time.

11 Q You said you got out of the Albany County Jail
12 in October of 2000; right?

13 A No. I got out of -- yeah, I did. Yes. October
14 6.

15 Q October 6 was the time you got out?

16 A Yep.

17 Q And how much time were you doing?

18 A I was in there for a charge.

19 Q What type of charge?

20 A Criminal sale of a controlled substance.

21 Q Misdemeanor?

22 A Felony.

23 Q When did you go into the county jail?

24 A September 14th or 15th.

EXHIBIT 5

1 Q Well, your deal, it is going to happen after
2 this; right?

3 A I have no idea. I haven't been promised
4 anything.

5 Q But you got out, though, didn't you?

6 A Yeah.

7 Q Prior to September of 2000, when were you in
8 jail last?

9 A February 23, 2000.

10 Q Back on June 20th of 2000 you were convicted of
11 false personation; right?

12 A Yes.

13 Q You paid a fine?

14 A Yes, but I didn't go to jail. I went to the
15 police station, down to the precinct. They gave me a desk
16 appearance ticket. I left after paying my fine. They
17 picked me up. By the time I got to the county, my fine
18 had been paid. I was cut loose.

19 Q You paid the fine?

20 A Yes.

21 Q Mr. Lewis, back on June 14, 2000, at the 392
22 Clinton Avenue address, you gave that gun back to Reggie
23 Adams, didn't you?

24 A Yes, I did.

1 inquire of whether there was a deal pending or made with
2 the witness Donald Lewis concerning his pending drug
3 charge. And rather than put it on the record at that
4 time, I directed that the District Attorney check during
5 the lunch hour to see if there is any indication of a deal
6 or a promise made to Mr. Lewis in exchange for his
7 testimony.

8 Does that accurately state your concern and
9 your request, Mr. Mansion?

10 MR. MANSION: Yes, Judge. I thought that
11 if there was a deal struck, it would be discoverable and
12 Rosario material.

13 THE COURT: I don't disagree with that.
14 Mr. Blanchfield, did you have an opportunity to check Mr.
15 Lewis' file during the lunch hour and, if so, what did you
16 find out?

17 MR. BLANCHFIELD: Yes, Judge. At the lunch
18 hour I spoke to Mr. Poremba, who is handling a drug case
19 for Mr. Lewis. Mr. Poremba also contacted the Albany City
20 Court Court Clerk to check on the court's notations. I
21 myself tried to contact Mr. George Mehm but was unable to
22 get ahold of him.

23 Based on the court record, it appears
24 sometime back in September that at Mr. Lewis' arrest bail

1 was set in the amount of \$5,000. Subsequent to that the
2 court record indicates that the defendant was RUS.

3 THE COURT: Released under supervision?

4 MR. BLANCHFIELD: That's what it said,
5 Judge. It appears that date is after the date that Mr.
6 Lewis had testified for the People in the Grand Jury. At
7 the time of the Grand Jury proceeding there was testimony,
8 which Mr. Mansion has, that Mr. Lewis had not received a
9 deal in any way regarding the drug case. And I was
10 unaware of any deal.

11 Subsequent to that, Judge, in the beginning
12 of March now of this year, there are notations on the file
13 that indicate -- one notation is that the CI in that case
14 is unavailable.

15 THE COURT: In Mr. Lewis' drug case?

16 MR. BLANCHFIELD: In Mr. Lewis' drug case.
17 The other indication is that in discussions with PD Tom
18 Dulin, if Mr. Lewis testifies in this trial that they will
19 treat his case as a misdemeanor.

20 THE COURT: Is that reduction to a
21 misdemeanor based upon a lack of evidence and an informant
22 or based upon a promise or deal?

23 (Mr. Blanchfield and Mr. Poremba confer.)

24 MR. BLANCHFIELD: It was indicated, as

Exhibit 7

1 such, Judge, the People in a sense were not able to really
2 go forward with Mr. Lewis' case. So had there been, for
3 lack of a better term, I think it was a bluff with Mr.
4 Lewis, in the sense that had he not testified, there was
5 no way to go forward with his case, having lack of
6 evidence against him, with no CI.

7 MR. MANSION: May I address what Mr.
8 Blanchfield said?

9 THE COURT: Yes.

10 MR. MANSION: My understanding of the inner
11 workings of the Public Defender's Office is that Tom Dulin
12 does not practice out of the Police Court here in the City
13 of Albany but he is an Assistant Public Defender assigned
14 to handle felonies.

15 And, Judge, I think at least to a certain
16 extent it appears that the witness here, Mr. Lewis, was
17 motivated, at least in his mind, as to the fact that he
18 believed he was getting a deal in consideration for his
19 testimony as a witness for the People against Mr. Stanley.

20 Judge, as an officer of the court, I would
21 no way doubt Mr. Blanchfield's integrity, but I do think
22 that from what Mr. Blanchfield said and his knowledge of
23 Mr. Dulin being involved, he did strike a deal for his
24 testimony here.

1 Part of the request I had made was for any
2 Rosario material, any memorandum of any deals or offers
3 that were made. Mr. Blanchfield has indicated that there
4 are none. But I certainly would respectfully reserve the
5 right to call this gentleman back up here now that I have
6 at least the parameters of a deal and who his attorney was
7 in the Public Defender's Office and make an inquiry as to
8 that, a further inquiry.

9 THE COURT: Are you finished?

10 MR. MANSION: I'm finished.

11 MR. BLANCHFIELD: If I could spread some
12 clarification on. I was informed by Mr. Poremba that he
13 spoke to Mr. Dulin only in an effort to convey that
14 message to someone in the Public Defender's Office, that
15 he was not able to get ahold of Mr. Mehm. So he had an
16 opportunity to speak to Mr. Dulin, and Mr. Dulin was to
17 pass that message on to members of the Public Defender's
18 Office.

19 THE COURT: Are you finished?

20 MR. BLANCHFIELD: Yes, Judge.

21 THE COURT: All right. First, it appears
22 that this witness, pursuant to his testimony, testified
23 that he had no knowledge of any deals or promise made to
24 him in exchange for his testimony in this case.

Exhibit 9
6-19-13

1 Second of all, it appears and is
2 uncontradicted that the District Attorney's file on Mr.
3 Lewis contains no memoranda, no notations, or no writings
4 evidencing any deal or any promise made to him in exchange
5 for his testimony.

6 Third, it appears that the fact that Mr.
7 Lewis is going to get the benefit of a reduction from a
8 felony drug charge to a misdemeanor or possibly a better
9 reduction is due to the fact that the confidential
10 informant involved in that drug case is unavailable. It
11 also appears that at the time or it is uncontroverted that
12 at the time he testified before the Grand Jury there was
13 no drug case in existence, so his Grand Jury testimony
14 could not be premised upon any promise or offer of a
15 promise in exchange for testimony.

16 Accordingly, I am going to deny the
17 defendant's request to bring Mr. Lewis back to testify or
18 to question him on what you believe to be a deal, in view
19 of the fact it has not been established that there was a
20 deal or a promise made to him or an offer of a promise.

21 MR. MANSION: Judge, please note my
22 exception on the record.

23 THE COURT: You have an exception to every
24 ruling I make. Bring the jury out, please.

N 0954-0954 03/08/01 ROSQ# GDAA 05565 RDSQ# 03190394 PART 005 OF 006
 DATE 03-08-01 PAGE 4
 NAME LEWIS, DONALD NYSID 7604361K TRAN NO 00892

< < < < < CRIMINAL HISTORY > > > > >

ARREST INFORMATION	ARREST/ARRAIGNMENT CHARGES	DISPOSITION AND RELATED DATA
		DKT # 00-115062 RETURNED ON WARRANT
	NO ARREST REPORTED	- - DISPOSITION - - 09-15-00 CITY CRT ALBANY DKT # 00-110150 INITIAL REPORT OF DOCKET NUMBER

< < < < < OTHER INFORMATION > > > > >

LATEST UPDATED PERSONAL DESCRIPTORS: EYES/BROWN HAIR/BLACK WGT 160 LBS

NCIC FINGERPRINT CLASSIFICATION PMP1PMCO19DIPMPI115

BOCSEC ! 079-60-2415 ! 079-60-2417

DOB INFO! JAN 08, 1977

POB INFO! NEW YORK ! PENNSYLVANIA

NAME AND! REPORTED ON ! INFORMATION
 ADDRESS!

OCT 10, 1996!	LEWIS, DONALD (III)		
	1908 8TH AV	WATERVLIET	NEW YORK
NOV 10, 1996!	LOUIS, DONALD		
	1907 8 AVE	WATERVLIET	NEW YORK
JUNE 23, 1999!	LEWIS, DONALD (III)		
	2136 4TH AVE	WATERVLIET	NEW YORK
JUNE 23, 1999!	LEWIS, PANAMA		
AUG 19, 1999!	LEWIS, DONALD (III)		
	2136 4TH AVENUE	WATERVLIET	NEW YORK
MAY 15, 2000!	LEWIS, DONALD (III)		
	1148 BROAD ST #1	ALBANY	NEW YORK

WHERE AN INDIVIDUAL IS SENTENCED JUNE 1, 1981, OR LATER, ON MORE THAN ONE CHARGE WITHIN A DOCKET, THE SENTENCES MAY BE CONSIDERED TO BE CONCURRENT UNLESS IDENTIFIED AS CONSECUTIVE.

THIS RESPONSE IS BASED ON A NYSID NUMBER SUPPLIED BY YOUR AGENCY.

ALL ENTRIES ARE AS COMPLETE AS THE DATA FURNISHED TO DCJS.
 KATHERINE N. LAPP, COMMISSIONER

Exhibit 11

© 745

STATE OF NEW YORK
COUNTY COURT

COUNTY OF ALBANY

THE PEOPLE OF THE STATE OF NEW YORK.

-against-

August Term
Case No.
SU001400
SU001401

KALIEF STANLEY, REGGIE ADAMS,

Defendants.

SEALED INDICTMENT

CHARGES:

KALIEF STANLEY
ATTEMPTED MURDER
ASSAULT, 1st Degree (Six Counts)

REGGIE ADAMS
ATTEMPTED MURDER.
ASSAULT, 1st Degree (Six Counts)

PRESENTED: Friday, October 6, 2000

PRESENTED BY: LAWRENCE WIEST, Acting
District Attorney of the
County of Albany.

P.J. BLANCHFIELD, Esq., Assistant
District Attorney, appearing
for the People of the State
of New York.

PRESENT: THE GRAND JURY, A QUORUM.

Exhibit B

MR. BLANCHFIELD:

Ladies and gentlemen,
before I also fail to mention to you, these proposed
indictments relate to incidents that happened on June
16th of this year, 2000.

EXAMINATION BY

MR. BLANCHFIELD:

Q Good morning. Could you please tell the Grand Jury
your name?

A Donald Lewis.

Q And do you have a street name?

A Yeah, Panama or Bloody Knuckles or General P.
Q And you belong to a gang?

A Yes, I'm a general in the Bloods.

Q Mr. Lewis, let me direct your attention back to
sometime around June 14th or so, right around that
time, do you know a person by the name of Willie
Jackson?

A Yes, I do.

Q And does he also go by the name of Jackpot?

A Yes.

Q How is it that you know Willie Jackson?

A Me and Willie, he's been a -- he goes with a girl
named Michelle Mayer who has been a long-time friend
of our families and I've known him since '94.

Q Does Willie Jackson have any affiliation to any gang?

Exhibit 14